



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

MAY 5 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In reply refer to: 3HW12

John J. Nevin, Chairman
Firestone Tire and Rubber Company
1200 Firestone Parkway
Akron, Ohio 44317

Re: Occidental Chemical Corporation Site

Dear Mr. Nevin:

On January 5, 1989 the United States Environmental Protection Agency informed you of your potential liability with regard to releases or threatened releases of hazardous substances at the Occidental Chemical Corporation site. In that letter, the Agency also informed you of its intent to conduct a Remedial Investigation/Feasibility Study (RI/FS) at the Occidental Chemical Corporation site using public funds unless it determined that responsible parties would properly conduct such studies. Finally, the letter advised you of the possibility that at some point in the future EPA might provide all parties with special notice pursuant to Section 122(e) of the Superfund Amendments and Reauthorization Act (SARA) Public Law 99-449, 100 Stat. 1613 (October 17, 1986).

EPA, by this letter, now determines pursuant to Section 122(e), of SARA, as delegated to EPA by Executive Order 12580, 52 Fed. Reg. 3923 (January 29, 1987), "that a period of negotiation under that section would facilitate an agreement with potentially responsible parties for taking remedial action" at the Occidental Chemical Corporation site and would expedite such action. In accordance with Section 122(e), EPA will not commence an RI/FS for 90 days from the date of receipt of this letter, provided that a good faith proposal to conduct an RI/FS is made to EPA within 60 days of receipt of this "special notice" letter. This proposal should specifically identify the work, through a workplan, schedule or statement of work, in which you are willing to participate. A model scope of work was provided to you by EPA in the letter dated January 5, 1989 as a part of EPA RI/FS guidance.

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Should such a good faith proposal be received by the Agency within this time frame, the Agency will allow an additional thirty (30) days for negotiations between you and the Agency. The goal of these negotiations will be to develop a consent agreement in which the PRPs commit to conduct the RI/FS in accordance with SARA, the NCP and applicable EPA guidance. Copies of such guidance and a model consent agreement for an RI/FS were previously sent to you.

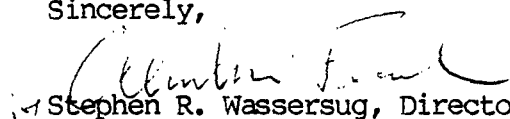
Should a good faith proposal not be received by the Agency within sixty (60) days of your receipt of this letter, the Agency will consider the period of negotiations closed. The Agency then has the option of pursuing a settlement with the other PRPs or proceeding with the appropriate studies and any other appropriate remedial measures using Superfund monies.

Should you elect to submit this proposal to the Agency, your letter and included proposal should be addressed to:

Christine E. Chulick (3HW12)
U.S. Environmental Protection Agency
Region III
PA CERCLA Remedial Enforcement Section
841 Chestnut Building
Philadelphia, PA 19107

If you need further information, you can contact Christine Chulick at (215) 597-8188.

Sincerely,


Stephen R. Wassersug, Director
Hazardous Waste Management Division

cc: James P. Snyder, PADER
Ron Klinikowski, PADER
Alicia Coreley, (OWPE)
Cecil Rodrigues
Gregg Crystall
Paul E. Gutermann, Esq.
Stephen V. Moser, Esq.

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